

**ADOPTION AND TERMINATION OF
PARENTAL RIGHTS**

2008 GENERAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill amends provisions of the Utah Health Code, the Utah Criminal Code, and the Judicial Code, relating to adoption and the termination of parental rights.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides that a child-placing agency has a direct, tangible, and legitimate interest in the vital records of a child that has been placed with the agency pending finalization of an adoption;
- ▶ modifies and clarifies the definition of "adoption related expenses" that a person may pay or accept without violating the crime of "sale of a child";
- ▶ amends the offense of "sale of a child" to make it a third degree felony to offer to sell or dispose of a child, or to give, or attempt to give, money or another thing of value to a person with the intent to induce the person to sell or dispose of a child;
- ▶ makes incarceration for a felony a factor that a court must consider in determining whether a parent is unfit or has neglected a child, regardless of whether the child is in the custody of the Division of Child and Family Services;
- ▶ modifies requirements relating to taking consents and relinquishments for adoption;
- ▶ clarifies which code provisions must be complied with in order for a court to waive the requirement that adoptive parents and the child to be adopted appear before the court prior to entry of a final decree of adoption;
- ▶ requires a child-placing agency and a petitioner for adoption to comply with the Indian Child Welfare Act in an adoption proceeding involving an "Indian child";
- and
- ▶ makes technical changes.

32 **Monies Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

38 **26-2-22**, as last amended by Laws of Utah 2006, Chapters 55 and 5639 **76-7-203**, as last amended by Laws of Utah 2005, Chapter 13740 **78-3a-408**, as last amended by Laws of Utah 2005, Chapter 9541 **78-30-1.1**, as last amended by Laws of Utah 2006, Chapter 18642 **78-30-3.5**, as last amended by Laws of Utah 2007, Chapter 15243 **78-30-4.18**, as last amended by Laws of Utah 2007, Chapter 19644 **78-30-4.22**, as renumbered and amended by Laws of Utah 1995, Chapter 16845 **78-30-7**, as last amended by Laws of Utah 2006, Chapter 13246 **78-30-8**, as last amended by Laws of Utah 2007, Chapter 19647 **78-30-17**, as enacted by Laws of Utah 1987, Chapter 3948 **78-30-18**, as last amended by Laws of Utah 1995, Chapter 20

49 ENACTS:

50 **78-30-15.2**, Utah Code Annotated 1953

51

52 *Be it enacted by the Legislature of the state of Utah:*53 Section 1. Section **26-2-22** is amended to read:54 **26-2-22. Inspection of vital records.**55 (1) (a) The vital records shall be open to inspection, but only in compliance with the
56 provisions of this chapter, department rules, and Section 78-30-18.57 (b) It is unlawful for any state or local officer or employee to disclose data contained in
58 vital records contrary to this chapter or department rule.59 (c) A custodian of vital records may permit inspection of a vital record or issue a
60 certified copy of a record or a part of a record when the custodian is satisfied that the applicant
61 has demonstrated a direct, tangible, and legitimate interest.

62 (2) A direct, tangible, and legitimate interest in a vital record is present only if:

(a) the request is from:

(i) the subject[;];

(ii) a member of the subject's immediate family[;];

(iii) the guardian of the subject[~~;~~or];

(iv) a designated legal representative of the subject; or

(v) a person, including a child-placing agency as defined in Section 78-30-1.1, with whom a child has been placed pending finalization of an adoption of the child;

(b) the request involves a personal or property right of the subject of the record;

(c) the request is for official purposes of a state, local, or federal governmental agency;

(d) the request is for a statistical or medical research program and prior consent has been obtained from the state registrar; or

(e) the request is a certified copy of an order of a court of record specifying the record to be examined or copied.

(3) For purposes of Subsection (2):

(a) "immediate family member" means a spouse, child, parent, sibling, grandparent, or grandchild;

(b) a designated legal representative means an attorney, physician, funeral service director, genealogist, or other agent of the subject or the subject's immediate family who has been delegated the authority to access vital records;

(c) except as provided in Title 78, Chapter 30, Adoption, a parent, or the immediate family member of a parent, who does not have legal or physical custody of or visitation or parent-time rights for a child because of the termination of parental rights pursuant to Title 78, Chapter 3a, Juvenile Court Act of 1996, or by virtue of consenting to or relinquishing a child for adoption pursuant to Title 78, Chapter 30, Adoption, may not be considered as having a direct, tangible, and legitimate interest; and

(d) a commercial firm or agency requesting names, addresses, or similar information may not be considered as having a direct, tangible, and legitimate interest.

(4) Upon payment of a fee established in accordance with Section 63-38-3.2, the following records shall be available to the public:

(a) except as provided in Subsection 26-2-10(4)(b), a birth record, excluding confidential information collected for medical and health use, if 100 years or more have passed

94 since the date of birth;
95 (b) a death record if 50 years or more have passed since the date of death; and
96 (c) a vital record not subject to Subsection (4)(a) or (b) if 75 years or more have passed
97 since the date of the event upon which the record is based.

98 Section 2. Section **76-7-203** is amended to read:

99 **76-7-203. Sale of child -- Felony -- Payment of adoption related expenses.**

100 (1) For purposes of this section:

101 (a) "[~~adoption~~] Adoption related expenses" means expenses that:

102 (i) are reasonably related to the adoption of a child;

103 (ii) are incurred for a reasonable amount; and

104 (iii) may include expenses:

105 (A) of the mother or father of the child being adopted, including:

106 (I) legal expenses;

107 (II) maternity expenses;

108 (III) medical expenses;

109 (IV) hospital expenses;

110 (V) counseling expenses;

111 (VI) temporary living expenses during the pregnancy or confinement of the mother; or

112 (VII) expenses for travel between the mother's or father's home and the location where

113 the child will be born or placed for adoption; [~~or~~]

114 (B) of a directly affected person for:

115 (I) travel between the directly affected person's home and the location where the child

116 will be born or placed for adoption; or

117 (II) temporary living expenses during the pregnancy or confinement of the mother;

118 [~~and~~] or

119 (C) other than those included in Subsection (1)(a)(iii)(A) or (B), that are not made for

120 the purpose of inducing the mother, parent, or legal guardian of a child to:

121 (i) place the child for adoption;

122 (ii) consent to an adoption; or

123 (iii) cooperate in the completion of an adoption.

124 (b) "[~~directly~~] Directly affected person" means a person who is:

(i) a parent or guardian of a minor when the minor is the mother or father of the child being adopted;

(ii) a dependant of:

(A) the mother or father of the child being adopted; or

(B) the parent or guardian described in Subsection (1)(b)(i); or

(iii) the spouse of the mother or father of the child being adopted.

(2) Except as provided in Subsection (3), a person is guilty of a third degree felony if the person[;]:

(a) while having custody, care, control, or possession of a child, sells, or disposes of the child, or attempts or offers to sell or dispose of[;] the child, for and in consideration of the payment of money or [~~other~~] another thing of value[;]; or

(b) offers, gives, or attempts to give money or another thing of value to a person, with the intent to induce or encourage a person to violate Subsection (2)(a).

(3) A person does not violate this section by paying or receiving payment for adoption related expenses, if:

(a) the expenses are paid as an act of charity; and

(b) [~~if~~] the payment is not made for the purpose of inducing the mother, parent, or legal guardian of a child to:

(i) place the child for adoption;

(ii) consent to an adoption; or

(iii) cooperate in the completion of an adoption.

Section 3. Section **78-3a-408** is amended to read:

78-3a-408. Evidence of grounds for termination.

(1) In determining whether a parent or parents have abandoned a child, it is prima facie evidence of abandonment that the parent or parents:

(a) although having legal custody of the child, have surrendered physical custody of the child, and for a period of six months following the surrender have not manifested to the child or to the person having the physical custody of the child a firm intention to resume physical custody or to make arrangements for the care of the child;

(b) have failed to communicate with the child by mail, telephone, or otherwise for six months;

(c) failed to have shown the normal interest of a natural parent, without just cause; or

(d) have abandoned an infant, as described in Subsection 78-3a-313.5(1).

(2) In determining whether a parent or parents are unfit or have neglected a child the court shall consider, but is not limited to, the following circumstances, conduct, or conditions:

(a) emotional illness, mental illness, or mental deficiency of the parent that renders the parent unable to care for the immediate and continuing physical or emotional needs of the child for extended periods of time;

(b) conduct toward a child of a physically, emotionally, or sexually cruel or abusive nature;

(c) habitual or excessive use of intoxicating liquors, controlled substances, or dangerous drugs that render the parent unable to care for the child;

(d) repeated or continuous failure to provide the child with adequate food, clothing, shelter, education, or other care necessary for the child's physical, mental, and emotional health and development by a parent or parents who are capable of providing that care;

(e) ~~[with regard to a child who is in the custody of the division, if]~~ whether the parent is incarcerated as a result of conviction of a felony, and the sentence is of such length that the child will be deprived of a normal home for more than one year; or

(f) a history of violent behavior.

(3) A parent who, legitimately practicing the parent's religious beliefs, does not provide specified medical treatment for a child is not, for that reason alone, a negligent or unfit parent.

(4) (a) Notwithstanding Subsection (2), a parent may not be considered neglectful or unfit because of a health care decision made for a child by the child's parent unless the state or other party to the proceeding shows, by clear and convincing evidence, that the health care decision is not reasonable and informed.

(b) Nothing in Subsection (4)(a) may prohibit a parent from exercising the right to obtain a second health care opinion.

(5) If a child has been placed in the custody of the division and the parent or parents fail to comply substantially with the terms and conditions of a plan within six months after the date on which the child was placed or the plan was commenced, whichever occurs later, that failure to comply is evidence of failure of parental adjustment.

(6) The following circumstances constitute prima facie evidence of unfitness:

(a) sexual abuse, injury, or death of a sibling of the child, or of any child, due to known or substantiated abuse or neglect by the parent or parents;

(b) conviction of a crime, if the facts surrounding the crime are of such a nature as to indicate the unfitness of the parent to provide adequate care to the extent necessary for the child's physical, mental, or emotional health and development;

(c) a single incident of life-threatening or gravely disabling injury to or disfigurement of the child; or

(d) the parent has committed, aided, abetted, attempted, conspired, or solicited to commit murder or manslaughter of a child or child abuse homicide.

Section 4. Section **78-30-1.1** is amended to read:

78-30-1.1. Definitions.

As used in this chapter:

(1) "Adoption service provider" means a:

(a) child-placing agency; or

(b) licensed counselor who has at least one year of experience providing professional social work services to:

(i) adoptive parents; or

(ii) birth parents.

(2) "Child-placing agency" means an agency licensed to place children for adoption under Title 62A, Chapter 4a, Part 6, Child Placing.

(3) "Division" means the Division of Child and Family Services, within the Department of Human Services, created in Section 62A-4a-103.

(4) "Extra-jurisdictional child-placing agency" means an agency licensed to place children for adoption by a district, territory, or state, of the United States, other than Utah.

~~[(4)]~~ (5) "Licensed counselor" means a person who is licensed by the state, or another state, district, or territory of the United States as a:

(a) certified social worker;

(b) clinical social worker;

(c) psychologist;

(d) marriage and family therapist;

(e) professional counselor; or

(f) an equivalent licensed professional of another state, district, or territory of the United States.

~~[(5)]~~ (6) "Parent," for purposes of Section 78-30-3.3, means any person described in Subsections 78-30-4.14(1)(b) through (f) from whom consent for adoption or relinquishment for adoption is required under Section 78-30-4.14.

~~[(6)]~~ (7) "Unmarried biological father" means a person who:

(a) is the biological father of a child; and

(b) was not married to the biological mother of the child described in Subsection ~~[(6)]~~ (7)(a) at the time of the child's:

(i) conception; or

(ii) birth.

Section 5. Section **78-30-3.5** is amended to read:

78-30-3.5. Preplacement and postplacement adoptive evaluations -- Exceptions.

(1) (a) Except as otherwise provided in this section, a child may not be placed in an adoptive home until a preplacement adoptive evaluation, assessing the prospective adoptive parent and the prospective adoptive home, has been conducted in accordance with the requirements of this section.

(b) Except as provided in Subsection (8), the court may, at any time, authorize temporary placement of a child in a potential adoptive home pending completion of a preplacement adoptive evaluation described in this section.

(c) Subsection (1)(a) does not apply if a birth parent has legal custody of the child to be adopted and the prospective adoptive parent is related to that child as a step-parent, sibling by half or whole blood or by adoption, grandparent, aunt, uncle, or first cousin, unless the evaluation is otherwise requested by the court. The prospective adoptive parent described in this Subsection (1)(c) shall, however, obtain the information described in Subsections (2)(a) and (b), and file that documentation with the court prior to finalization of the adoption.

(d) The required preplacement adoptive evaluation must be completed or updated within the 12-month period immediately preceding the placement of a child with the prospective adoptive parent. If the prospective adoptive parent has previously received custody of a child for the purpose of adoption, the preplacement adoptive evaluation must be completed or updated within the 12-month period immediately preceding the placement of a child with the

prospective adoptive parent and after the placement of the previous child with the prospective adoptive parent.

(2) The preplacement adoptive evaluation shall include:

(a) criminal history record information regarding each prospective adoptive parent and any other adult living in the prospective home, prepared by a law enforcement agency based on a fingerprint criminal history check, no earlier than 18 months immediately preceding placement of the child;

(b) a report prepared by the Department of Human Services containing all information regarding reports and investigation of child abuse, neglect, and dependency, with respect to each prospective adoptive parent and any other adult living in the prospective home, obtained no earlier than 18 months immediately preceding placement of the child, pursuant to waivers executed by those parties;

(c) an evaluation conducted by an expert in family relations approved by the court or a certified social worker, clinical social worker, marriage and family therapist, psychologist, professional counselor, or other court-determined expert in family relations, who is licensed to practice under the laws of this state or under the laws of the state where the prospective adoptive parent or other person living in the prospective adoptive home resides. The evaluation shall be in a form approved by the Department of Human Services. Neither the Department of Human Services nor any of its divisions may proscribe who qualifies as an expert in family relations or who may conduct evaluations pursuant to this Subsection (2); and

(d) if the child to be adopted is a child who is in the custody of any public child welfare agency, and is a child ~~[with]~~ who has a special ~~[needs]~~ need as defined in ~~[Subsection]~~ Section 62A-4a-902(2), the preplacement evaluation must be conducted by the Department of Human Services or a ~~[licensed]~~ child-placing agency which has entered into a contract with the department to conduct the preplacement evaluations for children with special needs. Any fee assessed by the evaluating agency is the responsibility of the adopting parent or parents.

(3) The person or agency conducting the preplacement adoptive evaluation shall, in connection with the evaluation, provide the prospective adoptive parent or parents with literature approved by the Division of Child and Family Services relating to adoption, and including information relating to the adoption process, developmental issues that may require early intervention, and community resources that are available to the adoptive parent or parents.

(4) A copy of the preplacement adoptive evaluation shall be filed with the court.

(5) (a) Except as provided in Subsections (5)(b) and (c), a postplacement evaluation shall be conducted and submitted to the court prior to the final hearing in an adoption proceeding. The postplacement evaluation shall include:

(i) verification of the allegations of fact contained in the petition for adoption;

(ii) an evaluation of the progress of the child's placement in the adoptive home; and

(iii) a recommendation regarding whether the adoption is in the best interest of the child.

(b) The exemptions from and requirements for evaluations, described in Subsections (1)(c), (2)(c), and (3), also apply to postplacement adoptive evaluations.

(c) Upon the request of the petitioner, the court may waive the postplacement adoptive evaluation, unless it determines that it is in the best interest of the child to require the postplacement evaluation. Except where the child to be adopted and the prospective parent are related as set forth in Subsection (1)(c), the court may waive the postplacement adoptive evaluation for a child ~~[with]~~ who has a special [needs] need as defined in Section 62A-4a-902.

(6) If the person or agency conducting the evaluation disapproves the adoptive placement, either in the preplacement or postplacement adoptive evaluation, the court may dismiss the petition. However, upon request of a prospective adoptive parent, the court shall order that an additional preplacement or postplacement adoptive evaluation be conducted, and hold a hearing on the suitability of the adoption, including testimony of interested parties.

(7) Prior to finalization of a petition for adoption the court shall review and consider the information and recommendations contained in the preplacement and postplacement adoptive studies required by this section.

(8) Notwithstanding any other provision of this section, except as otherwise permitted by federal law or rule, a child who is in the legal custody of the state may not be placed with a prospective foster parent or a prospective adoptive parent, unless, before the child is placed with the prospective foster parent or the prospective adoptive parent:

(a) a fingerprint based FBI national criminal history records check is conducted on the prospective foster parent or prospective adoptive parent and each adult living in the home of the prospective foster parent or prospective adoptive parent;

(b) the Department of Human Services conducts a check of the child abuse and neglect

registry in each state where the prospective foster parent or prospective adoptive parent resided in the five years immediately preceding the day on which the prospective foster parent or prospective adoptive parent applied to be a foster parent or adoptive parent, to determine whether the prospective foster parent or prospective adoptive parent is listed in the registry as having a substantiated or supported finding of child abuse or neglect;

(c) the Department of Human Services conducts a check of the child abuse and neglect registry of each state where each adult living in the home of the prospective foster parent or prospective adoptive parent described in Subsection (8)(b) resided in the five years immediately preceding the day on which the prospective foster parent or prospective adoptive parent applied to be a foster parent or adoptive parent, to determine whether the adult is listed in the registry as having a substantiated or supported finding of child abuse or neglect; and

(d) each person required to undergo a background check described in this Subsection (8) passes the background check, pursuant to the provisions of Section 62A-2-120.

Section 6. Section **78-30-4.18** is amended to read:

78-30-4.18. Persons who may take consents and relinquishments.

(1) A consent or relinquishment by a birth mother or an adoptee shall be signed before:

(a) a judge of any court that has jurisdiction over adoption proceedings~~[-or];~~

~~(b) subject to Subsection (6), a person appointed by [that] the judge [for the purpose of taking] described in Subsection (1)(a) to take~~ consents or relinquishments; or

~~[(b)] (c) subject to Subsection (6), a person who is authorized by a [licensed] child-placing agency to take consents or relinquishments [so long as the signature is notarized or witnessed by two individuals who are not members of the birth mother's immediate family], if the consent or relinquishment grants legal custody of the child to a child-placing agency or an extra-jurisdictional child-placing agency.~~

(2) If the consent or relinquishment of a birth mother or adoptee is taken out of state it shall be signed before:

(a) subject to Subsection (6), a person who is authorized by a child-placing agency to take consents or relinquishments, if the consent or relinquishment grants legal custody of the child to a child-placing agency or an extra-jurisdictional child-placing agency;

(b) subject to Subsection (6), a person authorized or appointed to take consents or relinquishments by a court of this state that has jurisdiction over adoption proceedings;

(c) a court that has jurisdiction over adoption proceedings in the state where the consent or relinquishment is taken; or

(d) a person authorized, under the laws of the state where the consent or relinquishment is taken, to take consents or relinquishments of a birth mother or adoptee.

(3) The consent or relinquishment of any other person or agency as required by Section 78-30-4.14 may be signed before a Notary Public or any person authorized to take a consent or relinquishment under Subsection (1) or (2).

(4) A person, authorized by Subsection (1) or (2) to take consents or relinquishments, shall certify to the best of his information and belief that the person executing the consent or relinquishment has read and understands the consent or relinquishment and has signed it freely and voluntarily.

(5) A person executing a consent or relinquishment is entitled to receive a copy of the consent or relinquishment.

(6) A signature described in Subsection (1)(b), (1)(c), (2)(a), or (2)(b), shall be:

(a) notarized; or

(b) witnessed by two individuals who are not members of the birth mother's or the signatory's immediate family.

Section 7. Section **78-30-4.22** is amended to read:

78-30-4.22. Custody pending final decree.

(1) Except as otherwise provided by the court, once a petitioner has received the adoptee into his home and a petition for adoption has been filed, the petitioner is entitled to the custody and control of the adoptee and is responsible for the care, maintenance, and support of the adoptee, including any necessary medical or surgical treatment, pending further order of the court.

(2) Once a child has been placed with, relinquished to, or ordered into the custody of a [licensed] child-placing agency for purposes of adoption, the agency shall have custody and control of the child and is responsible for his care, maintenance, and support. The agency may delegate the responsibility for care, maintenance, and support, including any necessary medical or surgical treatment, to the petitioner once the petitioner has received the child into his home. However, until the final decree of adoption is entered by the court, the agency has the right to the custody and control of the child.

Section 8. Section **78-30-7** is amended to read:

78-30-7. District court venue -- Jurisdiction of juvenile court -- Jurisdiction over nonresidents -- Time for filing.

(1) Adoption proceedings shall be commenced by filing a petition with the clerk of the district court either:

(a) in the district where the person adopting resides, or if the person adopting is not a resident of this state, in the district where the child was born or in which the child-placing agency that has custody of the child is located; or

(b) with the juvenile court as provided in Subsection 78-3a-104(1).

(2) All orders, decrees, agreements, and notices in the proceedings shall be filed with the clerk of the court where the adoption proceedings were commenced under Subsection (1).

(3) A petition for adoption shall be filed within 30 days of the date the adoptee is placed in the home of the petitioners for the purpose of adoption, unless the time for filing has been extended by the court, or unless the adoption is arranged by a ~~[licensed]~~ child-placing agency in which case the agency may extend the filing time.

(4) (a) If a person whose consent for the adoption is required under Section 78-30-4.14 cannot be found within the state, the fact of the minor's presence within the state shall confer jurisdiction on the court in proceedings under this chapter as to such absent person, provided that due notice has been given in accordance with the Utah Rules of Civil Procedure.

(b) The notice may not include:

(i) the name of the person or persons seeking to adopt the adoptee; or

(ii) an unmarried mother without that person's consent.

(5) Service of notice as provided in Subsection (6) shall vest the court with jurisdiction over the person served in the same manner and to the same extent as if the person served was served personally within the state.

(6) In the case of service outside the state, service completed not less than five days before the time set in the notice for appearance of the person served, shall be sufficient to confer jurisdiction.

(7) Computation of periods of time not otherwise set forth in this section shall be made in accordance with the Utah Rules of Civil Procedure.

Section 9. Section **78-30-8** is amended to read:

78-30-8. Final decree of adoption -- Agreement by adoptive parent or parents.

(1) Except as provided in Subsection (2), before a court enters a final decree of adoption:

(a) the adoptive parent or parents and the child being adopted shall appear before the appropriate court[;]; and ~~[an agreement shall be executed by]~~

(b) the adoptive parent or parents shall execute an agreement stating that the child shall be adopted and treated in all respects as ~~[his]~~ the parent's or parents' own lawful child.

(2) Except as provided in Subsection 78-30-1(2)(d), a court may waive the requirement ~~[that the adoptive parent or parents and the child being adopted appear before the court]~~ described in Subsection (1)(a) if:

(a) the adoption is not contested; ~~[and]~~

(b) the adoptive parent or parents:

(i) execute an agreement stating that the child shall be adopted and treated in all respects as the parent's or parents' own lawful child;

(ii) have the agreement described in Subsection (2)(b)(i) notarized; and

(iii) file the agreement described in Subsection (2)(b)(i) with the court; and

~~[(b)]~~ (c) all requirements of this chapter to obtain a final decree of adoption are otherwise complied with.

Section 10. Section **78-30-15.2** is enacted to read:

78-30-15.2. Compliance with the Indian Child Welfare Act.

In any adoption proceeding involving an "Indian child," as defined in 25 U.S.C. Sec. 1903, a child-placing agency and the petitioners shall comply with the Indian Child Welfare Act, Title 25, Chapter 21, of the United States Code.

Section 11. Section **78-30-17** is amended to read:

78-30-17. Nonidentifying health history of adoptee filed with bureau -- Limited availability.

(1) Upon finalization of an adoption in this state, the person who proceeded on behalf of the petitioner for adoption, or a ~~[licensed]~~ child-placing agency if an agency is involved in the adoption, shall file a report with the bureau, in the form established by the bureau. That report shall include a detailed health history, and a genetic and social history of the adoptee.

(2) The report filed under Subsection (1) may not contain any information which

identifies the adoptee's birth parents or members of their families.

(3) When the report described in Subsection (1) is filed, a duplicate report shall be provided to the adoptive parents.

(4) The report filed with the bureau under Subsection (1) shall only be available upon request, and upon presentation of positive identification, to the following persons:

(a) the adoptive parents;

(b) in the event of the death of the adoptive parents, the adoptee's legal guardian;

(c) the adoptee;

(d) in the event of the death of the adoptee, the adoptee's spouse, if the spouse is the parent or guardian of the adoptee's child;

(e) the adoptee's child or descendant;

(f) the adoptee's birth parent; and

(g) the adoptee's adult sibling.

(5) No information which identifies a birth parent or his family may be disclosed under this section.

(6) The actual cost of providing information under this section shall be paid by the person requesting the information.

Section 12. Section **78-30-18** is amended to read:

78-30-18. Mutual-consent, voluntary adoption registry -- Procedures -- Fees.

(1) The bureau shall establish a mutual-consent, voluntary adoption registry.

(a) Adult adoptees and birth parents of adult adoptees, upon presentation of positive identification, may request identifying information from the bureau, in the form established by the bureau. A court of competent jurisdiction or a child-placing agency [~~licensed under Title 62A, Chapter 4a, Part 6,~~] may accept that request from the adult adoptee or birth parent, in the form provided by the bureau, and transfer that request to the bureau. The adult adoptee or birth parent is responsible for notifying the bureau of any change in information contained in the request.

(b) The bureau may only release identifying information to an adult adoptee or birth parent when it receives requests from both the adoptee and his birth parent.

(c) After matching the request of an adult adoptee with that of at least one of his birth parents, the bureau shall notify both the adoptee and the birth parent that the requests have been

466 matched, and disclose the identifying information to those parties. However, if that adult
467 adoptee has a sibling of the same birth parent who is under the age of 21 years, and who was
468 raised in the same family setting as the adult adoptee, the bureau shall not disclose the
469 requested identifying information to that adult adoptee or his birth parent.

470 (2) (a) Adult adoptees and adult siblings of adult adoptees, upon presentation of
471 positive identification, may request identifying information from the bureau, in the form
472 established by the bureau. A court of competent jurisdiction or a child-placing agency
473 ~~[licensed under Title 62A, Chapter 4a, Part 6,]~~ may accept that request from the adult adoptee
474 or adult sibling, in the form provided by the bureau, and transfer that request to the bureau.
475 The adult adoptee or adult sibling is responsible for notifying the bureau of any change in
476 information contained in the request.

477 (b) The bureau may only release identifying information to an adult adoptee or adult
478 sibling when it receives requests from both the adoptee and his adult sibling.

479 (c) After matching the request of an adult adoptee with that of his adult sibling, if the
480 bureau has been provided with sufficient information to make that match, the bureau shall
481 notify both the adoptee and the adult sibling that the requests have been matched, and disclose
482 the identifying information to those parties.

483 (3) Information registered with the bureau under this section is available only to a
484 registered adult adoptee and his registered birth parent or registered adult sibling, under the
485 terms of this section.

486 (4) Information regarding a birth parent who has not registered a request with the
487 bureau may not be disclosed.

488 (5) The bureau may charge a fee for services provided under this section, limited to the
489 cost of providing those services.